MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
MONDAY, DECEMBER 12, 2011 – 7:30 P.M.

1. CALL TO ORDER

Pursuant to due call and notice thereof, a regular meeting of the Independence Planning Commission was called to order by Vice Chair Triplett at 7:31 p.m.

2. ROLL CALL

PRESENT: Vice Chair Triplett and Commissioners Gardner, Olson, and Palmquist
STAFF: Planner Kaltsas, Administrative Asst. Olson, Commission Liaison Spencer
ABSENT: Chair Carl Phillips
VISITORS: William Thomas, Lynda Franklin, Janice Gardner, LuAnn Brenno, Rob and Kim Leonard, Kathy Pluth, Kim and Jim Klancke, Brad Kieley

3. APPROVAL OF MINUTES – NOVEMBR 14, 2011

Motion by Olson, seconded by Gardner, to approve the minutes. Ayes: Gardner, Olson, Palmquist, and Triplett. Nays: None. Absent: Phillips. MOTION DECLARED CARRIED.

4. PUBLIC HEARING. WILLIAM THOMAS, OWNER OF THE PROPERTY LOCATED AT 6775 FOGELMAN ROAD (PID NO. 10-118-24-43-0008), INDEPENDENCE, MN, IS REQUESTING A CONDITIONAL USE PERMIT (CUP) TO PERMIT THE CONSTRUCTION OF A DETACHED AGRICULTURAL STORAGE BUILDING OR BARN THAT EXCEEDS THE SIZE LIMITATIONS OF SUBDIVISION 3(D) OF 530.01 OF THE CITY ZONING ORDINANCE.

Kaltsas reported Thomas is applying for a Conditional Use Permit for a detached indoor riding arena that exceeds the size limitations for accessory detached structures. The property is on the western edge of the rural residential district. Kaltsas stated it is zoned agricultural but the Comprehensive Plan use is rural residential. Kaltsas reported Thomas has one current accessory structure totaling 2,560 square feet. The total allowed on a 6.21 acre is 2,600 square feet. The applicant is requesting to construct an indoor riding arena totaling 8,400 square feet. The peak height of the building would be 26 feet. The arena substantially exceeds the size limitations currently in place for a lot his size. However, the applicant has plenty of room on the area he has chosen for the arena and can meet all setback requirements. The issue is the maximum size limits.

Kaltsas outlined the criteria for a Conditional Use Permit and stated the applicant meets those criteria. He stated that it will have a minimal impact to nearby properties.

Kaltsas has looked at the formula for the amount of square footage allowed for all lot sizes and listed them as a percentage of coverage on each lot size. He stated the Planning Commission could take another look at these maximum allowable square footage sizes and see if they are sufficient.

Kaltsas reported that since the lot in question is on the edge of the rural residential district and all surrounding lots are larger, an argument could be made that it is not out of character for the area. He stated the addition of the indoor riding area would not cause increased traffic, dust, or odor. He stated that he would suggest setting the following conditions:

- Any modifications to the structure or intensification of the use will be reviewed by the City and will be subject to all applicable standards and requirements
- The use of this building will need to conform to all applicable standards in the Agricultural zoning district.
- The proposed building is not intended to be used for a commercial riding stable.
- The proposed building is intended to be used for an indoor riding arena.
- Final setback dimensions will need to be verified by the City as a part of the building permit review and approval process
- A grading plan will need to be submitted and approved by the City.

Kaltsas reported one comment was received by staff in support of the indoor riding arena.

Palmquist asked if there are other situations in the city where buildings exceed the size limitations to this extent. He was concerned about setting a precedent. Olson shared his concern. Kaltsas replied there are some properties within the city with large structures of this size that do exceed the size limitations.

Thomas stated he has asked six of his neighbors if they were okay with construction of the indoor riding arena and they were all supportive of it. Only the neighbor to the east of his property would be able to see the structure.

Kaltsas stated there may be several ways to deal with the precedent issue:

1. Define detached accessory structures into two groups: agricultural uses and storage buildings
2. Relate the CUP to an agricultural use such as horses. Precedent cannot then be set for someone to come in with a request for a very large storage structure.

Triplett asked Thomas why the size must be so large. Thomas replied it is a minimum size to be able to adequately exercise a horse or get them into a lope before having to turn a corner.

<u>Public Hearing</u>

LuAnn Brenno, 7676 Turner Rd, stated she is also a horse person and the size requested by Thomas for an indoor riding arena is a minimum size for such a structure.

Brenno asked the Planning Commission to look again at the size of detached accessory structures to make it more equitable. Properties should be allowed to an equal percentage of coverage for detached accessory structures.

Brenno felt that horse facilities should be in a different class or category than storage buildings.

Brenno felt that if this moves forward it will not be consistent with what is outlined in the Comprehensive Plan. To have such a big structure within the rural residential district is not following the Comprehensive Plan.

Brenno would like to see the language in some of the conditions strengthened to say the proposed building shall *not* be used for commercial use and shall *only* be used for an indoor riding arena.

Overall, Brenno stated that she did not have a problem with the request.

Vice Chair Triplett closed the public hearing.

Triplett asked how they should deal with the request as well as reviewing detached accessory building sizes. Kaltsas replied they could move the recommendation forward and then also make a motion to review a text amendment to the ordinance revisiting the size of detached accessory structures.

Thomas stated he was willing to go along with the suggested changes. He has no other intentions for the building other than its use as an indoor riding arena. There will be no stalls, tack room or storage in the building. To do so, would diminish the size they need to ride the horses.

Triplett was concerned what would happen with the CUP if the property is sold. Kaltsas said it does run with the property but perhaps they could do some wording to relate it to agricultural use rather than a storage facility.

Gardner would like to see some landscaping done within the property line on the east side of the property and maybe to the south. He stated that they don't need to be large trees at this point.

Motion made by Gardner to recommend approval of the CUP with the changes discussed tonight to the City Council.

Palmquist suggested adding the language that the proposed building shall not be used for a commercial riding arena or other commercial storage. Gardner felt the agricultural use is implied, but if a private owner came in and wanted to store their cars or items that would be okay so long as it is not commercial.

Triplett stated is his still concerned with the excessive size.

Olson seconded the motion. Ayes: Gardner, Olson, Palmquist, and Triplett. Nays: None. Absent: Phillips. MOTION DECLARED CARRIED.

Motion by Triplett, seconded by Gardner, to direct staff to research a text amendment to the ordinance relating to size percentages of detached accessory structures. Ayes: Gardner, Olson, Palmquist, and Triplett. Nays: None. Absent: Phillips. MOTION DECLARED CARRIEED.

5. PUBLIC HEARING CONTINUED. A PROPOSED TEXT AMENDMENT TO THE CITY OF INDEPENDENCE ZONING ORDINANCE PERTAINING TO SECTION 530 LAND USE DISTRICTS (ADDING TWO NEW LAND USE DISTRICTS, URBAN RESIDENTIAL AND URBAN COMMERCIAL, AS GUIDED IN THE COMPREHENSIVE PLAN).

Kaltsas reported that the item had been tabled to allow commissioners further time to consider the minimum acreage size for the Urban Residential and Urban Commercial Districts. He stated in the Urban Residential district there are currently only two properties that are over 10 acres in size. He stated the purpose of the 10 acre minimum was to encourage a land assembly rather than one owner subdividing their own property.

Olson inquired why this specific area was chosen for the Urban Residential zoning. Kaltsas stated that it was chosen because of following reasons:

- The proximity of the area to sanitary sewer utilities. The city could not meet the density goals of the Met Council when the sanitary sewer systems were installed around the lakes so it resulted in the Met Council requiring a higher density residential area close to sanitary sewer utilities to make up for it.
- It also meets the Met Council's affordability and life cycle housing goals.
- Maple Plain is looking into intensifying their urban area density as well and it would be a transition area.

Gardner thought a transitional area to Maple Plain makes sense. Triplett would like to see the language changed to a minimum of 10 acres buildable land. Many areas that would 10 acres cover a significant wetland area.

Olson stated four to seven units per acre is too much. Residents of many of the larger properties will have their access only through the high density area.

Kaltsas stated the ordinance is filling a void that was mandated by the Met Council. They may be able to incorporate language that imposes a development phasing scenario. However, they want to be careful to avoid design regulation. There is a way to allow Council some flexibility and recourse to turn away a proposal, if needed. If the ordinance is too defined and a developer meets all the criteria, the City would have no means to turn down the proposal. This is a very difficult area because staff cannot predict when this development may occur. It could be 2020 or 2025.

Palmquist stated he has some concerns in section b of the Urban Residential regarding language that states the development shall be designed with one theme. If there are going to possibly be several hundred houses that can be developed in the area, he would like to see some variety in the design.

Olson would like to see less density per acre. Kaltsas stated the City has an obligation to provide this density somewhere in the city. If they went to three units per acre they would not meet the Met Council's requirements. Palmquist then asked if there would be adverse consequences if they did not meet this requirement. Kaltsas replied the City must revise the Comprehensive Plan every ten years and it must be approved by the Met Council. It could be met with some resistance if this requirement in not outlined and/or met. He stated this area was chosen to capitalize on a major hub of the Met Council sewer utility.

Kaltsas stated that ultimately the goal for the area would be medium density such as townhomes. Maple Plain is looking to intensify their density with apartments and have specifically asked Independence not to compete with that. He stated that many suburbs can also hit the targeted density with single family homes.

Public Hearing

Vice Chair Triplett opened the public hearing.

Rob Leonard, 5090 South Lakeshore Drive, stated that nearly 600 additional homes in the area would change the rural atmosphere. He stated Lake Independence is currently an impaired body of water. He felt the extra hardscape and stormwater runoff created by this density will only increase the impairment of the lake. He stated there is a wetland in the area and it would be compromised. He stated the runoff created form this type of density would run right into the south end of the lake. He felt the neighborhood would have a tremendous amount of opposition to this amount of density.

LuAnn Brenno, 7676 Turner Rd, agreed that it is difficult to anticipate what may happen in the future. She agreed with keeping the language more open. She would like staff to research other cities that have gone through a similar growing process and see what ordinances they have developed. She stated that they must comply with the Met Council's requirement. There is no getting rid of it and it must be in some area of Independence. She agreed with Palmquist; she would like to see some variety in housing units rather than a monotonous design. After some thought, she said she sees the value in the 10 acre minimum but has concerns about limiting each 10 acre parcel to 40-70 units.

Leonard stated when the City was reviewing the Comprehensive Plan, most residents wanted to see this density along Highway 12 and feels that the Urban Residential district should not be a foregone conclusion at its current location.

Triplett stated that the City has agreed to Met Council's requirement and development may not occur for many years. The City would need to have sufficient reasoning to go to Met Council with another location for the Urban Residential district. The area chosen must make sense in relation to available sewer utilities. If the area were moved out further west, the entire length that it would be moved out would need to be developed at that density.

Kaltsas stated the ordinance they are working on now is a placeholder of sorts. Any potential developer will need to ensure they have a substantial amount of property and will be willing to help create the ordinance specifications at that time. It will essentially be a cost savings to the city as the developer will help defray costs.

Gardner stated that with the ordinance as proposed gives the City more leeway to be able to deny a proposal and provides a lot of latitude. It is the best way to control the development that will happen in that area and fulfill the Met Council requirement.

Kaltsas stated he would like to clean up some of the language as well as the PUD process and bring it back to the Planning Commission before going to the City Council.

Triplett asked if a smaller minimum lot size would be beneficial. Kaltsas replied that it would allow small pockets of higher density throughout the area and that is what they are trying to avoid. Most other cities develop a Master Plan that outlines exactly what a development area will look and they are trying to avoid

using up city resources on something that may not happen for awhile. He stated this is somewhat unchartered territory because they are trying to rezone larger parcels with existing landowners.

Kim Klancke, 5080 South Lakeshore Drive, stated she agreed with Rob Leonard. She felt the higher density will make a negative impact on the personality of area. She stated she sits on the LICA board and is very concerned about runoff into the lake and the adverse affects to the many wetlands. She felt doing this would negate the benefits brought on by providing sanitary sewer service to the area.

Palmquist stated that he would like to see some additional language where the developer must demonstrate and provide protection of the wetlands and Lake Independence.

Jim Klancke, 5080 South Lakeshore Drive, stated they should take into consideration the small streets in the area and how will the streets be able to stand up to the higher density.

Triplett asked if there will be two different ordinances, one for each district. Kaltsas replied there would be.

Brenno felt the Urban Commercial area is more critical because they have already had several proposals come in. She would like to see the two areas split with more definition to the Urban Commercial.

Brenno would like to see a moratorium on development of the Urban Commercial area until an ordinance is in place. She stated the City currently has nothing on the books to deal with these major developers who are showing interest. She would like to see any future developer be required to submit a sewer plan before the Planning Commission or City Council agrees to consider the proposal. She is concerned with the amount of money the City has spent to entertain these proposals without seeing compensation from an escrow. She would also like in the language for Urban Commercial a consistent use of the term applicant and developer. She felt that maybe the 10 acre minimum might be too small for the Urban Commercial district. Kaltsas replied that it would be about 400,000 square feet. Brenno stated she was okay with that so long as there were not multiple strip malls. She would like to see a PUD process and Master Plan put in place for the Urban Commercial district.

Vice Triplett closed the public hearing.

Palmquist reiterated his comments from the November meeting. He would like to see the term “first class retail/commercial uses” rather than “complement existing conditions”. He also did not agree with berms to be used to screen parking areas as it may interfere with visibility and signage. He does not concur with a moratorium. The way the language is now does allow the Council the ability to deny an application.

Kaltsas stated that including the term “buildable” in the 10 acre minimum is more applicable on the Urban Residential side.

Olson inquired if it must be a big box store that would be needed at the site. Kaltsas stated that was the intent rather than small shopping centers.

Triplett asked if there will be opportunity for the public to speak if they get an applicant for the Urban Commercial area. Kaltsas stated there will be significant opportunities for public input.

The commission would like to continue the discussion to the next meeting. Kaltsas stated that he will re-notice the meeting as well.

6. Open/Misc.

There were no items.

7. ADJOURN

Motion by Triplett, seconded by Gardner, to adjourn the Planning Commission meeting at 9:15 p.m. Ayes: Gardner, Olson, Palmquist, and Triplett. Nays: None. Absent: Phillips. MOTION DECLARED CARRIED.

Respectfully submitted

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Kimberly A. Olson, Recording Secretary